

### **REMARKS**

This is in response to the Office Action dated October 6, 2003.

### **SUMMARY OF OFFICE ACTION**

In the Office Action, the Examiner rejected Claims 1-4 under 35 U.S.C. § 103(a) as being unpatentable over Henderson (U.S. Patent No. 4,914,732) and Hyatt (U.S. Patent No. 5,745,044) in combination with Trombly (U.S. Patent No. 4,207,555), Perron (U.S. Patent No. 4,031,434), Aston (U.S. Patent No. 5,351,042) or Kilman (U.S. Patent No. 5,479,799). In particular, the Examiner stated that "Henderson differs from the claims by not including transmitting power from the key to the lock and not including the lock transmitting a variable interrogation." (Office Action, page 3). The Examiner further stated that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Henderson the variable interrogation and encryption of Hyatt for increased security against code stealing and improper code input and to have included the inductive power transmission of Trombly, Perron, Aston or Kilman to maintain power on the lock suggested by Henderson.

Claims 4 and 5 were also rejected under 35 U.S.C. § 103(a) as being unpatentable over Henderson and Hyatt in combination with Trombly, Perron, Aston or Kilman as applied above and further in view of Roddy (U.S. Patent No. 5,889,603). The Examiner reasoned that the power status signal of Henderson being directed to transmitted power would further have been obvious in view of Roddy disclosing sending a power status signal corresponding to transmitted power.

### **APPLICANT'S RESPONSE**

In the Office Action, the Examiner rejected Claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Henderson and Hyatt in combination with Trombly, Perron, Aston or Kilman. In particular, the Examiner stated that "Henderson differs from the claims by . . . not including the lock transmitting a variable interrogation." (Office Action, page 3). The Examiner further stated that "Hyatt '044 discloses an analogous art lock system with the lock transmitting a seed number to the key which is encrypted with the code returned from the

key. Since the seed is updated at the lock with each operation, it provides a variable interrogation.” (Office Action, page 3).

In response, Applicant has amended Claim 1 to clarify that the processor of the key is operative interpret any one of a plurality of variable signals. This subject matter is further explained in paragraphs 10, 64 and 65 of the specification of the above-identified patent application. In particular, such paragraphs explain that the lock controller 32 has a plurality of variable signals wherein one of the plurality of variable signals are transmitted to the key based on a number generated by a random number generator. The key then builds an interrogation response signal which includes an answer to the transmitted one of the plurality of variable signals. The transmitted signal of the lock controller and response signal of the key do not depend upon the prior interaction between the lock controller and the key, but rather is randomly generated. The transmitted signal may be any one of the plurality of variable signals each time the lock controller and the key interact.

In contrast, Hyatt, which the Examiner relies upon for support of a variable interrogation, does not disclose a processor of the key that is operative to interpret any one of the plurality of variable signals received by the key from the lock controller. Column 8, lines 23-40 further explain the “seed” subject matter understood by the Examiner to provide the basis for the variable interrogation. Such referenced section of Hyatt discloses that the seed number of the lock controller and the key are compared and if they match, then the key may be operative to open the lock. Thereafter, a new seed number is generated and stored on the key which, as understood, is used to unlock the lock at the next instant when the key is used to unlock the lock. In Hyatt, the lock controller has only one signal. It is related to the “seed” generated during the prior interaction between the key and the lock controller. The lock controller sends only one signal which is dependent upon the “seed” generated during the prior interaction of the lock controller and the key.

Accordingly, the disclosure of Hyatt does not disclose the specific limitation of the processor operative to interpret any one of a plurality of variable signals, as recited in amended Claim 1. Hence, Claim 1 is believed to be in condition for allowance. Also, the dependent claims of Claim 1, namely, Claims 2-5 are believed to be in condition for being

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dependent upon an allowable base claim. Further, Claims 2-5 are also believed to be in condition for allowance for containing additional patentable subject matter.

### CONCLUSION


For the foregoing reasons, Claims 1-5 are believed to be in condition for allowance. Accordingly, an early Notice of Allowance is therefore respectfully requested. Should the Examiner have any suggestions for expediting allowance of the above-identified patent application, the Examiner is invited to contact the Applicant's representative at the number listed below.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date: June 6, 2005 By: \_\_\_\_\_

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